



Downtown Working Group

11-17-2008

- **Vision for Downtown:** Specific zoning regulations should reflect a larger vision for downtown: a 24-hour, bustling downtown, where people work, live, shop and dine; where the streets are pedestrian-friendly with continuous store-frontage and connectivity throughout; where commercial activity prospers; and where transit creates accessibility. Residents and others need more places open seven days a week and longer hours
- **Vision for the New Zoning Code:** The new Zoning Code should be a more user-friendly, inclusive and comprehensive Code. This should be accomplished, in part, by the following provisions:
 - **Eliminate Cascading References:** Cross-referencing and recalling to previous sections (e.g. “as in B-1 District”) in the current Zoning Code is confusing, makes the Code difficult to read, and at times creates contradictions. The new Code should be written without referencing other sections, wherever feasible.
 - **Include Provisions of Urban Renewal Plans (URP):** To eliminate some of the need to consult multiple documents, consideration should be given to including DMA-applicable URPs (particularly the Central Business District (CBD) URP) in the Zoning Code wherever possible.
 - **Address Non-Conforming Uses:** Non-conforming uses are likely to spring up as a result of this re-write. There will need to be clear provisions in the new Zoning Code to address non-conformance in the DMA. Two questions should be addressed in regulating non-conformance:
 - Should non-conforming uses be grandfathered in completely, or should certain uses be subject to code enforcement after a given amount of time?
 - Should there be differentiation between individual non-conforming uses and their respective treatment?
- **One Zoning District:** At present, the DMA is broken up into B-4 and B-5 zoning Districts, as well as two small Industrial Districts. It is recommended that one single Business district encompass the DMA in the future Zoning Code (this district could also apply to other areas outside the DMA as appropriate), with some division into Sub-districts to retain the character of certain areas, by differentially regulating height and density standards and land uses. Overall try to improve connectivity to other neighborhoods.
 - **Sub-district 1:** Encompasses the North Charles Special District between Saratoga and Centre Streets, as well as the Antique Row area on the 800 block of Howard Street and the 200 block of West Read Street.
 - **Sub-district 2:** Encompasses DMA excluding areas of sub-district 1.
- **Setbacks:** A pedestrian-friendly and lively downtown requires a high level of continuous street frontage. For this reason, it is recommended that all incentives for building setbacks be removed. However, for the purpose of maintaining skylines,



allowing sunlight to reach the streets, and avoiding wind-tunnel effects, step-backs should be encouraged several levels up.

- **New Parking Structures:** Further study is needed to determine the proper parking regulations and parking ratios. The following provisions should be considered in the creation of the new regulations:
 - **Shared Parking:** The Zoning Code should encourage parking facilities to share parking spaces between more than one user, to increase parking efficiency.
 - **Counts toward Floor Area Ratio (FAR):** In a mixed-use development, parking garages should be included in the total FAR count for the structure.
 - **Retail:** New garage construction should be encouraged to include first floor commercial space. One way to do this might be to disallow parking on ground level.
 - **Air Rights:** New garage construction should be built with structural accommodation for future air rights development, with the goal to eliminate stand-alone garages.
- **Historic Preservation:** For the purpose of preserving historic structures in Baltimore and dually fostering necessary high density projects, it is recommended that the new Zoning Code include provisions for the *Transfer of Development Rights* (TDR) from preserved buildings to alternative development sites in the same district. Specifically, for preserved historic buildings that can prove historical significance based on local, state and national designations, an FAR premium for the forgone density should be transferrable to another site.
- **Land Uses:** Permitted land uses will need to be revised and redefined in the new Zoning Code. Some general recommendations for land use regulation are:
 - **Outdoor Seating:** Outdoor seating should be encouraged throughout the DMA, whether by allowing outdoor seating as a permitted accessory use in the whole District, or by eliminating outdoor seating entirely from the Zoning Code, such that regulatory processes alone determine where outdoor seating can go.
 - **Definitions:** Baltimore's current Zoning Code individually lists hundreds of different and very specific land uses. To give the Code flexibility, and eliminate some of the need for amendment and revision, it is suggested that certain land uses be combined into larger categories, with a definition of each of these larger categories appearing in the "General Provisions" section of the Code. Suggested categories and definitions follow:
 - **Retail/Service Establishments:** The majority of land uses listed in the current Zoning Code fall under a retail and service category. A preliminary definition might be "an establishment providing for the sale or rental of goods or services". A more exacting definition would be required and the definition would have to be careful to exclude unwanted uses; suggestions from other zoning codes are attached.
 - **Food/Beverage Establishments:** Bakeries, cafes, cafeterias, carry-outs, convenience stores, food markets, liquor stores, restaurants, supermarkets, taverns and other related uses could all be combined under this category. A preliminary definition would be "an establishment providing for the sale or



service of food or beverage”; suggestions from other zoning codes are attached.

- **Property Tax Assessment:** The DMA and Baltimore City would benefit from a tax assessment system that punishes building owners who let properties sit vacant for long periods of time; though the system should not punish owners for the incidental loss of occupancy. This may require an addition of a definition for “vacant buildings” in the General Provision section of the Zoning Code, which would include provisions on idle property. However, certain problems could arise without careful wording, consideration, and a possible written-in mechanism to forgive a lien:
 - No market exists for some existing vacant buildings, and raising taxes will not provide incentive, but instead exacerbate the situation;
 - This set-up may disproportionately disable small property owners over large property owners; and
 - The city owns vacant property, some of which it will need to hold until further acquisition or other factors are in place.
- **Open Space:** The DMA’s parks and plazas should be assigned Open Space designation to ensure their preservation. Suggested areas are: Battle Monument, Center Plaza, Courthouse Plaza, Hopkins Plaza, Mt. Vernon Park, Preston Gardens, and War Memorial Plaza. It is worth noting that many of these parks are currently Right-of-Way and not parcels, and thus may require some additional steps to achieve Open Space designation.
- **Signage:** The Zoning Code’s signage section will require revision and clarity in the future Code. General recommendations are:
 - **Clarity:** Signage regulations in the current Code are convoluted and extremely hard to follow. Revision will be needed to create clear, well-defined regulations, with limited cross-referencing.
 - **Size Regulations:** Size requirements will need to differ between certain areas of the DMA. It is suggested that the subdistricts listed above be used for variations in signage size regulations, or, alternatively, that size regulations be based on street width rather than building size.
 - **Design:** Signs should be compatible with the architecture and design of the building and of neighboring structures
 - **Murals:** Murals and super graphics should require a more stringent review process for approval than signage
 - **Upkeep:** Provision on the upkeep of signage should be included in Code: signs must be maintained such that writing remains legible, all lights are working, and standards of cleanliness apply.
 - **Flashing Signs:** Flashing signs, including theater marquees, newscast screens, temperature/time tickers, and barber poles, should be discouraged by not eliminated.